

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANTONIO MCCRARY,
Defendant.

Criminal Action No.
1:20-cr-271-SDG

ORDER

This matter is before undersigned for consideration of the Report and Recommendation entered by United States Magistrate Judge J. Elizabeth McBath (the R&R) [ECF 67], which recommends that Defendant Antonio McCrary's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 [ECF 63] be denied, that a certificate of appealability be denied, and that Case No. 1:22-cv-4552-SDG be closed. No party filed objections to the R&R. In the absence of objections, and under 28 U.S.C. § 636(b)(1) and Fed. R. Crim. P. 59(b)(1), undersigned reviewed the R&R for clear error and found none. Accordingly, undersigned **ADOPTS** the R&R [ECF 67] in its entirety as the order of this Court.

Defendant McCrary's § 2255 motion [ECF 63] is **DENIED**. The Court **DECLINES** to issue a certificate of appealability because resolution of the issues presented is not debatable. Accordingly, if Defendant McCrary wants appellate review of this Order, he may seek a certificate of appealability from the Eleventh Circuit Court of Appeals under Federal Rule of Appellate Procedure 22. R. 11(a),

R. Governing § 2255 Proceedings for the U.S. Dist. Cts. The Clerk is **DIRECTED** to mail a copy of this Order to Defendant McCrary. The Clerk is further **DIRECTED** to close Civil Action No. 1:22-cv-4552-SDG.

SO ORDERED this 23rd day of February, 2024.



Steven D. Grimberg
United States District Court Judge